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COMMISSIONER

Memorandum

To: Superintendents and Directors of Schools
Supervisors of Special Education

From:  Joseph Fisher, Assistant Commissioner

Subject: Guidance in Implementing the Newly Reauthorized IDEA

Date: May 26, 2005

In order to provide quality guidance on implementing the changes to IDEA, the Division of Special Education will be engaged in several activities. Regional awareness sessions have been conducted, discussions of the changes have and will be included in several training events, and specific guidance needed prior to the adoption of new regulations will be given in a series of Memoranda. Each will be marked *IDEIA Memorandum*, and numbered sequentially. *IDEIA 2004* stands for the new statute, the *Individuals with Disabilities Education Improvement Act of 2004*.

The first memorandum is attached and provides guidance for considering the use of a response to intervention model for the identification of Specific Learning Disabilities. Use of the model requires that schools have an adequate framework established through general education. Appropriate use of the approach requires structured interventions built on scientifically based research as defined in No Child Left Behind. The Division of Special Education will be providing very specific training and guidance on the use of the model during the coming year. All LEAs will then have access to the training and materials needed to implement the model. Additional guidance will be provided during the coming school year.

Please share this information with Supervisors of Curriculum and Instruction. The statute, in part, goes into effect July 1, 2005. However, the section on eligibility determination and response to intervention is stated as follows: "a local educational agency **may** (emphasis added) use a process that determines if the child responds to scientific, research-based intervention..." Schools and school systems may choose to move to the model when the appropriate framework is in place. During this process, technical assistance will be available from the Division.